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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,511

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EXAMINER

PRITCHETT, JOSHUA L

ART UNIT

PAPER NUMBER

2872

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,511	Applicant(s) MORISAWA ET AL.	
	Examiner JOSHUA L. PRITCHETT	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is in response to Amendment filed December 10, 2008. Applicant cancelled claims 1-12 and added claims 13-18.

Claim Objections

Claims 14 and 15 objected to because of the following informalities: the claims depend from cancelled claim 1 the claims will be examined as if they depend from claim 13.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Russell (US 6,391,400).

Regarding claim 13, Russell discloses a base (3) an optical multilayer film on the base, the optical multilayer film being comprised of $(2n+1)$ layers wherein $n = 1, 2$ or 3 (Fig. 3B) which have a high reflection property with respect to light in a specific wavelength region including one of the wavelength regions of red, green and blue and a high transmission property with respect to at least regions of red, green and blue light and a high transmission property with respect to at least visible light in a wavelength region other than the specific wavelength region (Fig. 5) wherein the base is transparent and two oppositely facing surface (Fig. 3B) and the optical multilayer film comprises a stacked structure in which a first optical film layer having a relatively higher refractive index and a second optical film having a relatively lower refractive index than that of the first optical film layer are alternately stacked on one another, each of an outermost layer and an inner most layer of the optical multilayer film being formed by a first optical film layer (Fig. 3B).

Regarding claim 15, Russell discloses the first optical film layer has a first thickness and each second optical film layer has a second thickness different than the first thickness (Fig. 3B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (US 6,391,400) in view of Hamagishi (US 5,751,479).

Russell teaches the invention as claimed but lacks reference to a diffusing layer. Hamagishi teaches a light diffusion layer on the outermost layer of an optical multilayer film (Fig. 2; col. 16 lines 54-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Russell invention include the diffusion layer of Hamagishi for the purpose of creating a wider viewing angle for light reflected from the screen.

Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (US 6,391,40) in view of Arfsten (US 4,568,578).

Regarding claim 13, Russell teaches a base (3) an optical multilayer film on the base, the optical multilayer film being comprised of $(2n+1)$ layers wherein $n = 1, 2$ or 3 (Fig. 3B) which have a high reflection property with respect to light in a specific wavelength region including one of the wavelength regions of red, green and blue and a high transmission property with respect to at least regions of red, green and blue light and a high transmission property with respect to at least visible light in a wavelength region other than the specific wavelength region (Fig. 5) wherein the base is transparent and two oppositely facing surface (Fig. 3B) and the optical multilayer film comprises a stacked structure in which a first optical film layer having a relatively higher refractive index and a second optical film having a relatively lower refractive index than that of the first optical film layer are alternately stacked on one another, each of an

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outermost layer and an inner most layer of the optical multilayer film being formed by a first optical film layer (Fig. 3B). Russell lacks reference to dipping. Arfsten teaches creating a multilayer film by dipping (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Russell invention include the dipping process of Arfsten for the purpose of accurately and precisely layering the alternating layers of the multilayer reflector.

Regarding claim 15, Russell teaches the first optical film layer has a first thickness and each second optical film layer has a second thickness different than the first thickness (Fig. 3B).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (US 6,391,400) in view of Arfsten (US 4,568,578) as applied to claim 16 above, and further in view of Hamagishi (US 5,751,479).

Russell in combination with Arfsten teaches the invention as claimed but lacks reference to a diffusing layer. Hamagishi teaches a light diffusion layer on the outermost layer of an optical multilayer film (Fig. 2; col. 16 lines 54-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Russell in combination with Arfsten invention include the diffusion layer of Hamagishi for the purpose of creating a wider viewing angle for light reflected from the screen.

Response to Arguments

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Applicant's arguments, see Amendment, filed December 10, 2008, with respect to the rejection(s) of claim(s) 1 under Kageyama have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration of the newly presented claim language, a new ground(s) of rejection is made in view of Russell. Applicant presented claims representing a new combination of elements. The Russell reference was added to teach the newly claimed combination.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA L. PRITCHETT whose telephone number is (571)272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua L Pritchett/
Primary Examiner
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